(1) (3)

**IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)**

**WRIT PETITION NO.1459/2006**

**PETITIONER**

Titu Ram Rana,
S/o. Late Shri Kaner Singh, Aged about 64 years, Retired Head Master, Govt. Boys Primary School Bogar, Block Bhanupratappur, District Kanker(C.G.).
R/o. Karamchari Colony, Bhanupratappur, District Kanker (C.G.)

P.R. No. 15/6/06
Presented by Shri R.K. Jain
dated 22/3/06

**VERSUS**

**RESPONDENTS**

1. State of Chhattisgarh, Through the Secretary, Department of Schedule Caste Schedule Tribe Other Backward Class & Other Minority Communities Welfare Department, Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Assistant Commissioner, Tribal & Welfare Department, Kanker (C.G.)

3. Collector, District Kanker (C.G.)

4. Joint Director, Treasury, Accounts & Pension, Jagdalpur (C.G.)

5. District Treasury Officer, North Bastar, Kanker, District Kanker (C.G.)

6. Block Education Officer, Bhanupratappur, District Kanker (C.G.)

7. Head Master, Primary School Bogar, Block Bhanupratappur, District Kanker (C.G.)

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APARNA MALVIYA
CG-2073/06
Bilaspur Chhattisgarh

**WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS**

78

**HIGH COURT OF CHHATTISGARH: BILASPUR**

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**Single Bench: Hon'ble Shri Satish K. Agnihotri, J.**

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**W. P. No. 1459 of 2006**

Petitioner : Titu Ram Rana

Versus

Respondent : State of Chhattisgarh & others

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Smt. Fouzia Mirza, Advocate for the petitioner.

Shri Arvind Dubey, Panel Lawyer for the respondents.

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**ORDER**

**( Passed on this 7th day of February, 2007)**

1. Learned counsel for the petitioner submits that the petitioner was appointed as Assistant Master in Government Boys Primary School Bogar, Block – Bhanupratappur, District – Kanker in the year 1963. Vide circular dated 30.8.2002 (Annexure P/2) the petitioner was granted second up-gradation in the pay scale of Rs. 5500-175-9000/- w.e.f. 1.1.1998 after completion of 24 years of service. The petitioner retired from service on attaining the age of superannuation on 31.5.2004. Thereafter, by order dated 28.6.2005 (Annexure P/8) the Treasury Officer, North Baster, Kanker was directed to make recovery of Rs. 23987/- from the death cum retirement gratuity (DCRG) amount of the petitioner.
2. Learned counsel for the petitioner has impugned this order dated 28.6.2005 on the ground that the recovery has been directed after retirement when the petitioner was granted up-gradation in the pay scale by virtue of the circular dated 10.6.2002.
3. It is the case of the respondents/State that the said circular has been suspended, thereafter vide order dated 11.1.2003 (Annexure

R/1). Thereafter, one more circular dated 21.8.2003 was issued wherein it was clearly provided that the revised pay scale of krimonnati granted up to 31.8.2003 shall not be recovered. Subsequently, vide circular dated 24.4.2006 (Annexure R/3) it was reiterated that the teachers would be entitled to first krimonnati after 12 years and second krimonnati after 24 years of service, in accordance with the terms and conditions as prescribed in the circular dated 19.4.1999.

4. In view of the circulars dated 21.8.2003 and circular dated 24.4.2006 (Annexure R/3), the petitioner was rightly granted upgraded pay scale, which cannot be recovered after retirement. Learned counsel appearing for the respondents expresses his agreement with the submissions made by learned counsel for the petitioner.

5. Accordingly, the petition stands disposed of with the direction to the respondents to consider the case of the petitioner in the light of the aforesaid circulars and pass appropriate order, in an objective manner, within a period of six weeks from the date of receipt of a copy of this order.

6. There shall be no order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**

Thakur